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23 **UNITED STATES DISTRICT COURT**
24 **NORTHERN DISTRICT OF CALIFORNIA**
25 **SAN FRANCISCO DIVISION**

26 NICOLAS C. SMITH-WASHINGTON, on behalf
27 of himself and all others similarly situated,

28 Plaintiff,

v.

TAXACT, INC.,

Defendant.

Case No. 3:23-CV-00830-VC
Assigned to Hon. Vince Chhabria

**STIPULATION TO REMOVE
EXHIBITS FROM THE DOCKET AND
[PROPOSED] ORDER**

Date: July 20, 2023
Time: 10:00 a.m.
Place: Courtroom 4, 17th Floor

Case Removed: February 23, 2023
(Superior Court of California Alameda
County, Case No. 23cv026204)

1 Plaintiff Nicolas C. Washington (“Plaintiff”) and Defendant TaxAct, Inc (“TaxAct”) submit
 2 this stipulated motion in accordance with Plaintiff’s request and Civil Local Rule 7-11 to remove
 3 from the Court’s docket: (1) Exhibit A to the Declaration of Mark Jaeger in Support of Defendant
 4 TaxAct’s Reply in Support of Motion to Stay Under 9 U.S.C. § 3 (“Mark Jaeger Initial
 5 Declaration”), Dkt. No. 33-2, which was filed on the public docket with redactions; and (2) Exhibits
 6 I and K to the Declaration of Mark Jaeger in Support of Defendant TaxAct’s Motion to Compel
 7 Arbitration and Stay Proceedings (“Mark Jaeger Declaration”), which were filed under seal, in
 8 unredacted form, on June 8, 2023, Dkt. Nos. 49-2, 49-3.

9 On May 4, 2023, TaxAct filed on the public docket Exhibit A to the Mark Jaeger Initial
 10 Declaration. *See* Dkt. No. 33-2. That exhibit contained redactions to Plaintiff’s Taxpayer
 11 Identification Number, Social Security number, and day of birth. On May 25, 2023, the Court denied
 12 without prejudice TaxAct’s Motion to Stay Under 9 U.S.C. § 3, for which that exhibit was filed in
 13 support. *See* Dkt. No. 44.

14 On June 8, 2023, TaxAct moved to file under seal the entirety of Exhibits I and K of the
 15 Mark Jaeger Declaration, which TaxAct identified as containing information that Plaintiff may seek
 16 to seal in this action. TaxAct filed unredacted versions of Exhibits I and K to the Mark Jaeger
 17 Declaration under seal, as an attachment to an Administrative Motion to File Under Seal. *See* Dkt.
 18 Nos. 49-2, 49-3. Exhibits I and K reflect Plaintiff’s personal information collected through his use of
 19 TaxAct’s services, including his Taxpayer Identification Number, Social Security number, driver’s
 20 license number, date of birth, and details of his log-in activity.

21 Plaintiff has now asked—and TaxAct has no objection to Plaintiff’s request—that the parties
 22 request this Court to remove the unredacted Exhibits I and K to the Mark Jaeger Declaration, which
 23 TaxAct filed under seal. Concurrently with this motion, Plaintiff and TaxAct are also filing a Joint
 24 Administrative Motion to File Under Seal Redacted Documents to introduce redacted versions of
 25 Exhibits I and K to the Mark Jaeger Declaration to the record. *See* Dkt. No. 53. Accordingly, the
 26 parties stipulate to remove the unredacted filed-under-seal Exhibits I and K to the Mark Jaeger
 27 Declaration (Dkt. Nos. 49-2, 49-3) from the Court’s Docket. The parties also stipulated to remove
 28

Exhibit A to the Mark Jaeger Initial Declaration, which was filed publicly with redactions (Dkt. No.33-2), from the Court's Docket.

Dated: June 9, 2023

Respectfully submitted,

/s/ Sheila A.G. Armbrust

**Sheila A.G. Armbrust (SBN 265998)
SIDLEY AUSTIN LLP**

Attorney for Defendant TaxAct, Inc.

Dated: June 9, 2023

/s/ Christina V. Tusan

Christina V. Tusan (SBN 192203)
HAMMONDLAW, P.C.

Attorney for Plaintiff Nicolas C. Smith-Washington

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Sheila A.G. Armbrust, attest that concurrence in the filing of this document has been obtained.

Dated: June 9, 2023

/s/ Sheila A.G. Armbrust

Sheila A.G. Armbrust

[PROPOSED] ORDER

Having considered the parties' Stipulated Administrative Motion, and for good cause shown, the Stipulated Administrative Motion to Remove Exhibits from the Docket is GRANTED. The unredacted filed-under-seal Exhibits I and K to the Declaration of Mark Jaeger in Support of Defendant TaxAct's Motion to Compel Arbitration and Stay Proceedings shall be removed from the Court's Docket.

IT IS SO ORDERED.

DATED: _____

HON. VINCE CHHABRIA
United States District Court Judge